

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RICKY G. DOMINGUEZ,)	
)	
Plaintiff,)	
vs.)	NO. CIV-15-0700-HE
)	
R.B. HAUF, SHERIFF, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Ricky G. Dominguez, appearing *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. §1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell, who has recommended that the action be dismissed without prejudice due to plaintiff's failure to comply with the court's order and pay an initial partial filing fee of \$21.26.


The magistrate judge had granted plaintiff's motion to proceed *in forma pauperis*, but advised plaintiff that he would be required to pay the full \$350 filing fee, beginning with an initial partial payment of \$21.26 by July 31, 2015. Plaintiff was told that if he failed to pay the initial fee or show cause in writing for not doing so, the action would be subject to dismissal without prejudice. When plaintiff did not pay the initial fee, request an extension of time within which to do so or explain his noncompliance with the court's order, the magistrate judge issued a Report and Recommendation recommending that the action be dismissed without prejudice.

Plaintiff failed to object to the magistrate judge's Report and Recommendation and

thereby waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. §636(b)(1)(C). Accordingly, the court **ADOPTS** Magistrate Judge Purcell's Report and Recommendation and dismisses this action without prejudice to refiling.

IT IS SO ORDERED.

Dated this 24th day of September, 2015.



JOE HEATON
UNITED STATES DISTRICT JUDGE